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# MEMO ENDORSED

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December 30, 2013

**VIA ELECTRONIC MAIL (ALCarterNYSDChambers@nysd.uscourts.gov)**

The Honorable Andrew L. Carter, U.S.D.J.  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Courtroom 17C  
New York, New York 10007-1312

1-8-14

**Re: *Hernandez, et al. v. The Fresh Diet, Inc., et al.***  
**12 Civ. 4339 (ALC) (JLC)**

Dear Judge Carter:

This firm represents the Defendants in the above-referenced matter. We respectfully write this letter to request a brief two (2) week extension of the time for Defendants to submit their motion for summary judgment and collective decertification. While we have attempted to reach Plaintiffs' counsel regarding whether they consent to this request, to date, we have not received a response from them. This is Defendants' first request to adjourn the motion.

Defendants propose the revised briefing schedule in connection with Defendants' motion to dismiss the Complaint:

1. January 24, 2014 – deadline for filing the motion;
2. February 14, 2014 – deadline for filing opposition to the motion;
3. February 28, 2014 – deadline for filing reply on the motion.

Thank you for your time and courtesies.

Respectfully submitted,  
Kaufman Dolowich & Voluck, LLP

Jeffery A. Meyer

cc: Walker Harman, Esq. ([wharman@theharmanfirm.com](mailto:wharman@theharmanfirm.com))  
Peter Andrews, Esq. ([pandrews@theharmanfirm.com](mailto:pandrews@theharmanfirm.com))

4849-6362-9591, v. 1

The application is granted.  
The parties shall adhere to the  
above-stated briefing schedule.  
SO ORDERED.

1-8-14